

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8505 OF 2006

Manik Devji Mhatre ..Petitioner

Vs.

Gopinath Krishna Thakur
and anr. ..Respondents

Mr. V.Z. Kankaria for petitioner.
Mr. Rajesh S. Datar for respondents.

CORAM: B.H. MARLAPALLE, J.

Date : March 29, 2007.

P.C.:

1. Heard Mr. Kankaria the learned counsel for the petitioner. In Civil Appeal No. 174 of 2003 an application at Exh.24 was taken out for injunction so as to restrain the defendant-respondent from undertaking any construction or changes in the suit premises. Though the appeal was pending for almost three years, this application at Exh.24 was taken out on 21/7/2006 and the learned Judge of the Lower Appellate Court was pleased to reject the same vide his order dated 7/9/2006 which has been impugned in

this petition.

2. There could be no dispute that for the last three years the appeal is pending and without any restraining order as prayed for. It would be, therefore, appropriate that the pending appeal is decided expeditiously.

3. Hence it is directed that Civil Appeal No. 174 of 2003 be heard and decided on its own merits as expeditiously as possible and preferably by 31st August, 2007. The parties have undertaken before me that they will co-operate with the Lower Appellate Court in the disposal of the appeal within the specified period and would not seek unwarranted adjournments. Petition is disposed off accordingly.

(B.H. Marlapalle, J.)